THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26636 of 2006

05-01-2007

Between:-

A. Ranga Rao

Petitioner

And

Sri Mallikarjuna Swamy Devasthanam,
Inavolu village, Wardhanapeta mandal,
Warangal district rep., by its
Executive Officer-cum-
Assistant Commissioner Endowments and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26636 of 2006

Oral order:

Heard Sri Hari Sreedhar, learned counsel for the petitioner, Sri K. Goverdhan Reddy, learned counsel for first respondent; learned Government Pleader for Endowments for second respondent and Sri M.V. Rama Rao learned counsel for the third respondent.

For convenience of the devotees of the first respondent-Devasthanam, the Devasthanam has been conducting auctions for grant of licenses for vending of coconuts and other prayer items. During the year 2005-06, the highest bid received for the leasehold rights for sale of the coconuts and other prayer material in the Devasthanam premises was Rs.3,01,500-00. The lease expired by

31-12-2006. The lessee for that period was one G. Purushotham son of Malla Reddy.

In view of the expiry of the lease period, the first respondent issued a public auction notification dated 02-12-2006 for grant of leasehold rights for sale of coconuts and other prayer material for the current year. The auction was scheduled on 11-12-2006 whereat sixteen (16) bidders had participated, including the petitioner. The petitioner's bid at Rs.1,22,500-00 was highest, but was unresponsive in relation to the highest bid received the previous year. In view of the circumstances, the first respondent by a paper publication notified auction afresh on 21-12-2006. At the auction held on 21-12-2006, there were fifteen (15) bidders and the third respondent herein became the highest bidder having quoted Rs.2,51,500-00 (higher than the petitioner's bid on 11-12-2006). As the third respondent's bid was also not responsive and low compared to the previous year's highest bid, according to the first respondent, the Devasthanam proposes to go in a fresh notification for holding public auction. In fact, on 11-12-2006, the first respondent has recorded proceedings to the effect that as the bids were not responsive, he proposes to re-notify the auction.

The petitioner alleges that a fresh notification has been issued for conduct of auction on 21-12-2006 without refunding the earnest money deposit of Rs.75,000-00

deposited by the petitioner pursuant to the auction held on 11-12-2006. The counter affidavit of the first respondent is silent as to why the petitioner's earnest money deposit of Rs.75,000-00 has not been refunded.

In view of the circumstances stated in the first respondent's counter affidavit, this court finds no infirmity in the action of the first respondent in proposing to conduct a fresh auction for vending of coconut and other prayer material for the period 01-01-2007 to 31-12-2007. The grievance of the petitioner that his earnest money deposit of Rs.75,000-00 has not been refunded, despite the auction held on 11-12-2006, is however not adverted to in the counter affidavit.

In the circumstances, the first respondent is directed to forthwith and within twenty four hours from the date of receipt of a copy of this order, refund the amount of earnest money deposit of Rs.75,000-00 deposited by the petitioner under proper acknowledgement. The first respondent is at liberty to conduct public auction afresh in accordance with law after due publicity. The writ petition is disposed of as above. No costs.

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GODA RAGHURAM, J

Dated:05-01-2007
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